

Guides for the Use of Environmental Marketing Claims

November 27, 2007; 72 FR 66091

Comments compiled by CRI and submitted 2-11-08 Revised

Specific Issues of Interest for FTC	
Issue	Issue Owner
<p>1. Should the Guides be revised to include guidance regarding renewable energy or carbon offset claims? If so, why and what guidance should be provided? If not, why not?</p> <p>a) What evidence supports making your proposed revisions?</p> <p>b) What evidence is available concerning consumers understanding of terms “renewable energy” and “carbon offset”?</p> <p>c) What evidence constitutes a reasonable basis to support each such claim?</p>	<p>Yes.</p> <p>Industry members have been advised to use independent third party certifiers. What constitutes reputable and independent 3rd party?</p> <p>Address the potential of double counting - two parties claiming the same credits.</p> <p>We do not believe consumers have any idea what the term carbon offset means.</p> <p>Does renewable energy use reduce Carbon emissions by supplanting fossil fuel energy sources?</p> <p>In general the guidelines should be revised from time to time as our understanding and market adoption expands.</p>
<p>2. Should the Guides be revised to include guidance regarding “sustainable” claims? If so, why, and what guidance should be provided? If not, why not?</p> <p>a) What evidence supports making your proposed revisions?</p> <p>b) What evidence is available concerning consumers understanding of term “sustainable”?</p> <p>c) What evidence constitutes a reasonable basis to support a sustainable claim?</p>	<p>The word sustainable has seen a rapid growth in usage and thus in “interpretation.” A centrally recognized and accepted definition and guidance would be valuable in the marketplace.</p> <p>Few if any products are truly sustainable and the distinction should be made between sustainability (zero net impact) and environmental attributes (minimal net impact). The conditions under which products can be designated sustainable should be well defined. The use of</p>

	<p>ANSI or ISO standards which speak to multiple environmental attributes would seem to be of value in this application.</p> <p>The recognition of independently certified ANSI or ISO standards would bring logic to the ever expanding world of standards. These are independent organization driven by stakeholder participation to ensure all perspectives are engaged in the dialog.</p> <p>Some industries and organizations are have progressed well down this path and there needs to be recognition of those efforts otherwise leadership has little value from an economic perspective.</p>
<p>3. Should the Guides be revised to include guidance regarding “renewable” claims? If so, why, and what guidance should be provided? If not, why not?</p> <p>a) What evidence supports making your proposed revisions?</p> <p>b) What evidence is available concerning consumers understanding of term “renewable”?</p> <p>c) What evidence constitutes a reasonable basis to support a renewable claim?</p>	<p>Define: Renewable; rapidly renewable; bio-based. In addition, define the timeframe.</p> <p>The FTC has historically done an excellent job of developing clear language and in particular the use of examples, both positive and negative! The FTC should convey that these terms are general designations and don’t necessarily imply any superiority between these designations. Self-certification (documentation available publicly via website) using EPA definitions or an independent certification of a claim is sufficient.</p>
<p>4. The Guides provide that a recycled content claim may be made only for materials that have been</p>	<p>There is opportunity for clarification as this</p>

<p>recovered or otherwise diverted from the solid waste stream, either during the manufacturing process or after consumer use. Do the Guides provide sufficient guidance for recycled content claims from textile products? If so why? If not, why not and what guidance should be provided? What evidence supports making your proposed revisions?</p>	<p>terminology has seen increased in usage in the marketplace. More clearly define the “consumer use” phase. Would architectural folders or samples returned to the manufacturer from an architect or design firm constitute PI or PC content? The use of example by the FTC has always been beneficial. Recommend expanding the use and number of examples. In the big picture, we do feel the FTC documentation has been well done and corporations understand the increasing need for consistency and transparency around the FTC requirements. Many of the examples of egregious behavior have been the result of well intentioned, but non-knowledgeable or misinformed people in the generation of marketing materials.</p>
<p>5. The Guides suggest that recycled content be calculated on the annual weighted average of a product. Should the Guides be revised to include alternative methods of calculating recycled content used by a manufacturer across many or all of its product lines? If so, why and what is the appropriate methods of calculation? If not why not? What evidence supports making your proposed revisions?</p>	<p>Will product lines or platforms as defined under NSF-140 suffice under the FTC’s definition of “product”? Whatever the accounting method is employed, it should be transparent. Averaged mass balance over a period of time (one year is reasonable to take into account production and material flow variations, interruptions, etc.). It is essential to recognize sustainable pursuits are driven by a commitment to a diverse and integrated set of criteria. Overly focusing on a single</p>

	attribute can results in products that are less desirable from a sustainability perspective (often driven to meet a market need). Any and all approaches should encourage the maximum amount of landfill diversion, reuse of materials, and use of biobased materials where the life cycle analysis and impact data show that it makes sense. This is a cradle-to-cradle concept.
6. The Guides provide that an unqualified claim that a product or package is degradable, biodegradable or photodegradable should be substantiated by competent and reliable scientific evidence that the entire product or package will completely break down and return to nature within a “reasonably short period of time after customary disposal”. Should the Guides be revised to provide more specificity with respect to the time frame for product decomposition? If so, why and what should the time frame be? If not, why not? What evidence supports making your proposed revision?	Distinguishing between biodegradable and rapidly biodegradable might clarify this issue. The more detail and examples that can be incorporated the better the understanding and less room for interpretation.

In general, the carpet industry commends the FTC for their continued leadership and efforts to bring clarity to a difficult subject. Most importantly, we appreciate the opportunity for a dialog in an effort to balance the three key elements of sustainability: people-planet-profits. For more almost two decades this industry has been recognized as an environmental leader. Our commitment is to open dialog and to bring good science to the decision making process.